

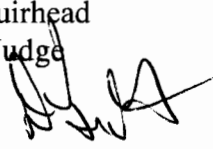


**UNITED STATES PROBATION & PRETRIAL SERVICES  
District of New Hampshire**

**MEMORANDUM**

**DATE:** February 21, 2007

**TO:** Hon. James R. Muirhead  
U.S. Magistrate Judge

**FROM:** Daniel F. Gildea   
Supervising U.S. Probation Officer

**RE:** U.S. v. Elaine Brown (06-CR-71-01-SM)

**Report of Violation of Conditions of Release - Warrant Requested**

Elaine Brown initially appeared in the U.S. District Court in Concord, New Hampshire on May 24, 2006 pursuant to a criminal warrant and Indictment charging her with Conspiracy to Defraud the United States (Count One), Tax Evasion; Aiding and Abetting (Counts Two through Six), Willful Failure to Collect Employment Taxes; Aiding and Abetting (Counts Seven through Fourteen), Conspiracy to Structure Financial Transactions (Count Fifteen), and Structuring; Aiding and Abetting (Counts Sixteen through Seventeen). The defendant was released on May 24, 2006 on personal recognizance. In addition to the standard conditions of release, the Court ordered the following special conditions:

(6.) The defendant shall:

- (a.) report on a regular basis to the supervising officer;
- (b.) maintain or actively seek employment;
- (c.) refrain from possessing a firearm, destructive device, or other dangerous weapons;
- (d.) surrender any firearms(s) to Clerk, U. S. District Court, 55 Pleasant St., Concord, NH;
- (e.) surrender any passport to Clerk, U.S. District Court, 55 Pleasant St., Concord, NH;
- (f.) obtain no passport;
- (g.) restrict travel to the State(s) of New Hampshire and Vermont. Any other travel must be pre-approved by the pretrial services office or the supervising officer;
- (h.) Other: assist probation in retrieving guns on property; surrender any firearm(s) to U.S. District Court, 55 Pleasant St., Concord, NH, or it's designated representative, the United States Probation Office. All firearms will be stored and maintained at Riley Sport Shop located in Hooksett, NH at a cost of \$7 per firearm per month, and any costs of said storage shall be paid by the defendant; the defendant shall submit her person, residence, office, or vehicle to a search conducted by a U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion that contraband or evidence of a violation of conditions of release may exist; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to those conditions; the defendant is prohibited from having

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any individual, or groups of individuals, gather at her residence or place of employment while armed; and restrict all third parties from entering 401 Center Town Road, Plainfield, NH during the course of surrendering all firearms.

On January 18, 2007, following the jury's verdict of guilty, the Court verbally modified the defendant's bail conditions to include the following special conditions: electronic monitoring; defendant cannot leave her son's house without her son or as approved by USPO Gildea; defendant is not to go near the house in Plainfield, NH; defendant can go to her dental practice with USPO or her son.

Sentencing in this matter is currently scheduled for April 24, 2007.

Details of Violation/U.S.P.O. Response.

The defendant has violated the special condition: ("The defendant is not to go near the house in Plainfield, NH") by virtue of her having returned to her home located at 401 Center Town Road, Plainfield, NH on the evening of February 20, 2007. This office had received information from the U.S. Marshal Service the evening of February 20, 2007 that the defendant may have returned to her residence in Plainfield, NH. At approximately 11:05 PM, when the defendant failed to return from her pre-set curfew of 11:00 PM, I called Mrs. Brown's son's house located in Worcester, MA and was informed by one of the residents at the house that she was not there. At approximately 11:30 PM, I called Mr. and Mrs. Brown's home located in Plainfield, NH. I initially spoke with Ed Brown who reported that his wife was at the residence. After a lengthy conversation with Mr. Brown, I did speak with Mrs. Elaine Brown who reported that she was very depressed and missed her husband. I encouraged her to return to Worcester, MA with her son. I informed her that if she failed to do so, I was going to have to report this conduct to the Court, which could result in further Court action. At that time, I asked Mrs. Brown to take the evening to think about her actions and that I would call her in the morning to talk to her further.

At approximately 9:30 AM this morning, Chief Deputy Marshal Gary DiMartino and I had a lengthy conversation with Mr. and Mrs. Brown regarding her non-compliant behavior. The conversation lasted over 45 minutes, at the end of which Mrs. Brown reported that it was her intent to remain with her husband, Ed Brown, at their home in Plainfield, NH and not return to her son's as previously agreed upon. At that time, I informed Mrs. Brown that I would filing a violation with the Court that could result in a warrant for her arrest.

Summary of Compliance.

Prior to this event Mrs. Brown had been cooperative and compliant with all of her conditions of release.

Recommendation.

The defendant has violated the special condition that she not go near the house in Plainfield, NH as evidenced by the information contained above. Therefore, it is the

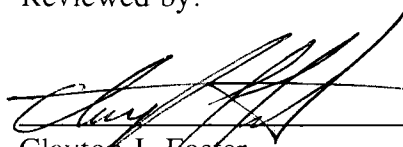
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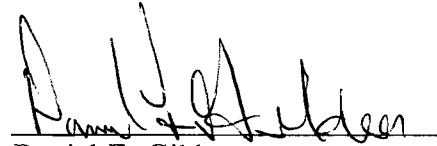
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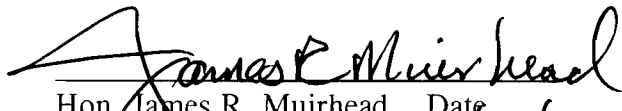
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recommendation of this office that the Court issue a warrant for the defendant's arrest and that she be brought before this Court to show cause why her conditions of release should not be revoked.

Reviewed by:

  
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Clayton J. Foster Date  
Deputy Chief U.S. Probation Officer 2/21/07

  
\_\_\_\_\_  
Daniel F. Gildea 2/21/07  
Supervising U.S. Probation Officer

  
\_\_\_\_\_  
Hon. James R. Muirhead Date  
U.S. Magistrate Judge 2/21/07

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Hon. James R. Muirhead Date  
U.S. Magistrate Judge

If disapproved, Court instructs U.S.P.O. to:

cc: U.S. Attorney